

Remarks

In response to the Final Office Action dated February 8, 2006, the Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. It is respectfully submitted that entry of the above amendments is proper under 37 C.F.R. § 1.116 in that the amendments (1) place the claims in condition for allowance or, if necessary, in better condition for consideration on appeal; and (2) do not raise any new issues requiring further consideration or search. For the reasons given above, entry of the above claim amendments under 37 C.F.R. § 1.116 is respectfully requested.

In the present application, independent claims 16, 18, and 30 have been amended and claims 45 and 47 have been canceled. Claim 18 has been amended to correct an antecedent basis error. Claims 16 and 30 have been amended to delete the feature describing signaling a computing device according to a two-way on-hook signaling protocol in response to the rejection under 35 U.S.C. § 112, first paragraph in the current Office Action. It should be noted that the above-described amendments to claims 16 and 30 were discussed with the Examiner in a telephonic interview on April 3, 2006. It is respectfully submitted that the amendments to claims 16, 18, and 30 should reasonably have been expected by the Examiner and thus do not raise new issues requiring further consideration and/or search. No new matter has been added.

In the Office Action, claims 16, 18, 20-27, 29-30, 32, 34-41, 43, 45, and 47 are rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement for reciting both the signaling of a computing device according to a two-way on-hook signaling protocol and the providing a recognizable dial tone in response to the computing device periodically and automatically causing the communications line to be off-hook, because, while both methods are described in the specification, the specification does not provide for signaling a computer device using both methods. The aforementioned claims are also

provisionally rejected under 35 U.S.C. § 103(a) as being unpatentable over Bossemeyer, Jr. et al. (US Pat 6,490,444, hereinafter Bossemeyer) in view of Paarsmarkt et al. (US Pat 6,118,856, hereinafter Paarsmarkt), as applied in the Office Action mailed August 23, 2005, if the subject matter reciting the recognizable dial tone is removed from the claims.

Applicant's Statement of the Substance of the Interview

A brief telephonic interview between Applicant's representative Alton Hornsby, III (Registration No. 47,299) and the Examiner was held on April 3, 2006 to discuss the 35 U.S.C. § 112, first paragraph rejection of the pending claims. In the interview, a discussion was held with respect to amending the claims to delete the subject matter reciting the two-way on-hook signaling protocol and to keep the subject matter reciting the recognizable dial tone. The Examiner further stated that arguments that with respect to the subject matter reciting the recognizable dial tone, which were presented for the Examiner's consideration in the previous response mailed on November 22, 2005, would be considered in view of the cited art of record.

Claim Rejections - 35 U.S.C. §112, First Paragraph

In the Office Action, the pending claims are rejected as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. In particular, the claims were rejected for reciting signaling a computing device according to a two-way on-hook signaling protocol and signaling by providing a recognizable dial tone in response to the computing device periodically and automatically causing the communications line to be off-hook. In the Office Action, it is acknowledged that both types of signaling are supported in the Specification and that either of the types of signaling may be used for notifying a computer device of an incoming message. However, it is alleged that the

recitation of both types of signaling for notifying the computer device of an incoming message in the claims, is not provided for in the specification. As noted above in the section entitled “Amendments to the Claims,” independent claims 16 and 30 have been amended to delete the subject matter reciting the two-way on-hook signaling protocol. Accordingly, it is respectfully submitted that the pending claims are now in compliance with the written description requirement and the rejection under the first paragraph of 35 U.S.C. §112 should be withdrawn.

Claim Rejections - 35 U.S.C. §103

Claims 16, 18, 20-27, 29-30, 32, 34-41, 43, 45, and 47 are provisionally rejected as being unpatentable over Bossemeyer in view of Paarsmarkt. Claims 45 and 47 have been canceled. The remaining claims are provisionally rejected based on the subject matter in the claims reciting signaling according to a two-way on-hook signaling protocol and the removal of the subject matter reciting signaling by providing a recognizable dial tone in response to the computing device periodically and automatically causing the communications line to be off-hook. As discussed above, the subject matter reciting the two-way on-hook signaling protocol has been removed but the subject matter reciting the recognizable dial tone remains. Therefore, the provisional rejection of claims 16, 18, 20-27, 29-30, 32, 34-41, and 43 based on the above-described subject matter is moot and accordingly, should be withdrawn.

In furtherance of prosecution, it is respectfully submitted that Bossemeyer in view of Paarsmarkt fails to teach, disclose, or suggest each of the features specified in amended independent claims 16 and 30. For example, neither reference discloses a communication system which signals a computing device over a communications line by providing a recognizable dial tone signal that is different than a regular dial tone signal in response to the computing device periodically and automatically causing the communications line to be off-

hook. Paarsmarkt discloses an on-hook signaling protocol for transmitting at least a portion of an e-mail message to a telephony apparatus (see col. 3, lines 54-59, col. 4, lines 61-63, and col. 5, lines 2-8 and 32-53) but does not disclose the use of off-hook signaling for indicating that an incoming message awaits retrieval by a computing device. While Bossemeyer does disclose a stutter dial tone being used to signal a waiting message waiting, Bossemeyer expressly requires that the user manually take the phone off-hook and listen for the stutter dial tone rather than having the computing device automatically and periodically perform the off-hook check for the recognizable dial tone (see col. 3, lines 17-24).

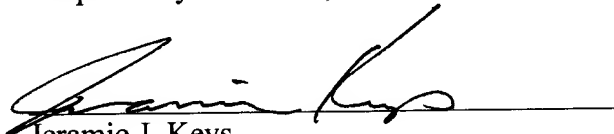
Based on the foregoing discussion, amended independent claims 16 and 30 are allowable over the cited references of record. Furthermore, dependent claims 18, 20-27, 29, 32, 34-41, and 43 depend from allowable base claims and are also allowable for at least the same reasons.

Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicant's attorney at the number listed below.

Respectfully submitted,

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